

ALSTON & BIRD

90 Park Avenue
New York, NY 10016
212-210-9400 | Fax: 212-210-9444

Steven L. Penaro

Direct Dial: 212-210-9460

Email: steve.penaro@alston.com

July 13, 2023

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: *Johnson v. Clearview AI, Inc., et al.*, Civil Action No. 1:23-cv-02441-KPF-SN

Dear Judge Failla:

As you know, we represent Plaintiff Charles Johnson (“Plaintiff”) in the above-referenced matter. We write in response to Defendants Clearview AI, Inc. (“Clearview”), Hoan Ton-That, and Richard Schwartz’s (collectively, “Defendants”) letter, dated July 12, 2023, concerning a tweet that Plaintiff posted regarding Defendants’ counsel and certain communications to Clearview’s investors and board members regarding this litigation.

As an initial matter, when Defendants’ counsel alerted us to the tweet yesterday, we immediately contacted Plaintiff to reinforce the importance of refraining from both posting on social media about Defendants’ counsel and communicating with Clearview’s investors and board members about this litigation. In fact, when Defendants’ counsel first notified us about the referenced postings and communications in March and May of this year, we likewise immediately made the same request to Plaintiff to refrain from doing so.

Plaintiff now appreciates the impact of his statements. Accordingly, he will agree to stop posting on social media about Defendants’ counsel, as well as communicating with Clearview’s investors and board members about this litigation. Plaintiff is prepared to provide an affidavit attesting to this should the Court desire.

We appreciate the Court’s attention to this matter.

Page 2

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'S. Penaro', with a long horizontal flourish extending to the right.

Steven L. Penaro

cc: Counsel of Record (via ECF)